



# Boone County Bar Association NEWSLETTER

www.bocomobar.org

July 2009—mailed June 29, 2009

Volume 24, Number 7

## What's Your ADR I.Q.? From the BCBA ADR Committee

For those of you in civil practice, this month's note provides some information on both arbitration and mediation.

There is a common myth among litigators that that arbitrators simply "split the difference" between the parties in making an award. A number of studies have shown that this is not the case.

One recent study, undertaken by the AAA on 2007 Construction arbitration awards, found that in only 9%, or 54 of the 574 cases studied, were awards in the midrange or split down the middle, while in 43% of the cases awards were more than 80% of the claims and in 13% of the cases claims were totally denied. You can find more information at [www.adr.org](http://www.adr.org) by looking up "Construction Fast Facts."

Also in 2007 the ABA Section of Dispute Resolution Task Force on Improving the Quality of Mediation issued its final report on improving mediation quality in private practice civil cases.

Some interesting findings for advocates: One theme that emerged in interviews with parties was that lawyers should be as prepared for mediation as they are for trial. Also, although only a minority of lawyers objected to a mediator stating their opinions about settlement terms, a majority of the parties found mediator comments about what they should offer or accept objectionable. The report is interesting reading on many levels and is available through our ADR committee.

— Sarah J. Reed, Chair

## Walther to discuss Columbia MoBar meeting

For only the second time in history, Columbia will be the site of the 2010 Missouri Bar Annual Meeting and Judicial Conference during the tenure of BCBA member **Skip Walther** as 2009-2010 MoBar President.

Skip will tell BCBA members about his plans for the conference and for the Missouri Bar at the next regular BCBA meeting at **noon on Wednesday, July 8.**

Meal service will begin at will begin at noon July 8 in the County Room on the lower level. The lunch price will be

\$9, payable to Boone Tavern. A brief business meeting will precede the program.

**RSVP:** To reserve your spot for this meeting, contact BCBA Treasurer **Kristen Dickinson** at 446-5770 or [dickinsonlaw@centurytel.net](mailto:dickinsonlaw@centurytel.net) by 5 p.m. **Tuesday, July 7.**

The only other time the MoBar Annual Meeting was held in Columbia was Oct. 1-3, 2003 when **Bunky Wright** was MoBar President. BCBA members were instrumental in helping to plan and coordinate that event,

and Skip will be asking for help from the BCBA again.

Skip also plans to discuss recent and probable future efforts to make changes to the "Missouri Plan" for selection of appellate and some trial court judges. The Missouri Bar has opposed the changes proposed to date, which have not been passed by the General Assembly for submission to voters.

Time allowing, Skip also may talk about the history of the Missouri Bar as it relates to his plans for 2009-2010.

## Clay tapped for President; election at Sept. 18 picnic

New BCBA officers will be elected at the annual Jim Butcher Memorial Picnic at Twin Lakes Park on the evening of Sept. 18, and **Stan Clay** has been nominated as 2009-2010 President.

Other nominees selected by the nominating committee are **Tim Harlan** for Vice President, **Jill Jackson** for Treasurer, **Todd Werts** for Secretary, and **Phebe LaMar** and **Tom Minigus** as at-large members of the Executive Committee.

The Nominating Committee was chaired this year by **Elton Fay**. Other members were **Randall Johnston** and **Emily Little**.

Under the BCBA bylaws, the Executive Committee will consist of the officers, the at-large members and 2008-09 President **Mal Mayse**.

The bylaws also allow nominations from the floor with the consent of those so nominated.

Once again **Mark Langworthy** is chairing the Picnic Com-

mittee. If you can help, contact Mark at 884-3083 or [langworthy@missouri.edu](mailto:langworthy@missouri.edu).

The picnic is named in honor of the late **Jim Butcher**, who organized the event for many years before his death in 1986. His widow Joan Butcher has been an honored guest at almost every picnic.

The picnic is open to bar members, spouses, dates and children. RSVPs will not be required. There will be no charge for attending.

## 2008-09 CLE programs listed to help complete reports

For the convenience of BCBA members completing their CLE reports due July 31 for the year ending June 30, following is a list of CLE-credit programs presented by the BCBA from July 2008 through June 2009:

"Recognizing and Representing the Difficult Client," presented by **Sarah J. Read**, July 9, 2008. 1.2 hours.

"Coping with Jail Overcrowding," panel discussion by **Rusty Antel**, Circuit Judge **Gary Oxenhandler**, Boone County Auditor June Pitchford and Jail Administrator Warren Brewer, August 13, 2008. 1.2 hours.

"State of the Court Address," presented by 13<sup>th</sup> Circuit Presiding Judge **Gene Hamilton**, October 8, 2008. 1.2 hours.

"Appellate Practice Panel Discussion," presented by Judges and Clerk of Missouri Court of Appeals, Western District, November 12, 2008. 1.2 hours.

"Family Law Update," presented by Family Court Commissioner **Sara Miller** and Associate Circuit Judge **Leslie Schneider**, January 14, 2008. 1.2 hours.

"Leveraging Your Research Capabilities: Best Uses of the MU Law Library's Resources," presented by Steve Lambson, Coordinator of Reference Services, and John Dethman, reference librarian, April 8, 2009. 1.2 hours.

"Common Misconceptions about Missouri Legal Ethics," presented by Sara Rittman, Missouri Ethics Counsel, May 13, 2009. 1.2 hours including 1.2 hours ethics credit.

"Getting Better Results for Clients Using a Planned Negotiation Process," presented by **John Lande**, Director of the MU Law School's LLM in Dispute Resolution Program, June 10, 2009. 1.2 hours.

This list of BCBA-sponsored CLE-credit programs is also available on the BCBA website at [www.bocomobar.org/CLE.htm](http://www.bocomobar.org/CLE.htm).

The Boone County Bar Association Newsletter is published monthly by the Boone County Bar Association, Inc. Send items for publication to the Editor, **Steve Scott**, 201 Westwood Ave., Columbia, MO 65203-2871, phone 442-7268, fax 443-1676, email [sscott@scottlawfirm.com](mailto:sscott@scottlawfirm.com). Annual dues are \$50 and may be sent to the Treasurer, **Kristen Dickinson**, 1203 W. Broadway, Columbia, MO 65203-2125, 256-7205. 2008-09 BCBA officers are: President, **Mallory Mayse**, 28 N. 8th St., Suite 411, 65201, 875-1988; Vice President, **Stan Clay**, 28 N. 8th St., Suite 517, 65201, 442-1646; Secretary, **Zach Bickel**, 3210 Bluff Creek Dr., 65201, 449-2613; and Treasurer, **Kristen Dickinson**, address above. Executive Committee members are the officers and **Jeff Parshall**, **Emily Little** and **Tom Schneider**. The BCBA web site is at [www.bocomobar.org](http://www.bocomobar.org).

## Around the bar . . .

Circuit Judge **Gary Oxenhandler** is looking for someone with expertise in using LexisNexis to give him an hour or so of training to assist him evaluating the service as part of the court's ongoing evaluation of research options. Call 886-4050 if you can help.

At its June 2 meeting, the 13<sup>th</sup> Circuit Court En Banc approved three fee increases. The Focus on Kids Class fees will increase July 1 to \$60 for the regular class and \$70 for the online class. Drug Court fees will increase next Jan. 1 to \$50/month for those entering the program on or after that date.

The BCBA Young Lawyers Committee will meet for a happy hour at 5 p.m. Tuesday, July 21, on the upstairs patio at Forge & Vine, 119 S. 7<sup>th</sup> St., Columbia. For information, contact **Sander Sowers** at 256-8989 or [sander.sowers@sdelawfirm.com](mailto:sander.sowers@sdelawfirm.com).

The Women Lawyers' Association of Mid-Missouri will hold its Summer Social from 5:30 to 8 p.m. Wednesday, July 22, at the home of Associate Circuit Judge **Deborah Daniels**, 1109 Canterbury Place, Columbia. The agenda includes the election of 2009-2010 officers. For information, contact **Tamara Kopp** at [tamarawallace@yahoo.com](mailto:tamarawallace@yahoo.com), **Phebe LaMar** at [lamar@smithlewis.com](mailto:lamar@smithlewis.com), or **Gretchen Yancy** at [gyancey@edorr.com](mailto:gyancey@edorr.com).

As announced last month, effective July 1 former District Public Defender **Kevin O'Brien**, who entered private practice as a solo in April, will be joining Harper, Evans, Wade & Netemeyer, 401 Locust St., Suite 401, Columbia 65201, phone 442-1600, fax 874-8961.

BCBA member **Alexa Pearson**, former Missouri Bar legislative counsel, recently became an Assistant Public Defender in the Central Appellate District Office, 1000 W. Nifong, Bldg. 7, Suite 100, Columbia 65203, phone 882-9855 ext. 406, fax 884-4793.

Recent new BCBA members, in alphabetical order, are:

\* **Spencer Bartlett**, The A.W. Smith Law Firm, P.C., 2600-C Forum Blvd., Columbia 65203, phone 443-7300, fax 443-7301.

\* **Clark Jones**, a new associate at Jones, Schneider & Bartlett LLC, 11 N. 7<sup>th</sup> St., Columbia 65201, phone 449-2451, fax 443-8620. A Columbia native, he graduated from Rock Bridge High

School and obtained his BSBA at the University of Arkansas. He then attended the MU Law School and received a dual JD/MBA degree in December 2008. He clerked for the same firm while in law school.

\* **Leslie Ann Metzger**, Korte Law Firm, 3006 Linden Way, Columbia 65202, phone 289-8680.

\* **Harry D. Williams**, The Williams Law Firm, 601 Business Loop 70 W., Suite 137D, Columbia 65203, phone 449-8211, fax 234-4006.

**Stan Clay** will have office-sharing space available July 1 at 28 N. 8<sup>th</sup> St., Suite 517. Included are receptionist, secretary, phone system, fax, conference room, copier, postage, utilities, possibly some furniture, and electronic research access. Call Stan at 442-1646 for information.

About 50 members attended the June 10 BCBA meeting to hear **John Lande**, Director of the Dispute Resolution LLM Program at the MU Law School, speak on "Getting Better Results for Clients Using a Planned Negotiation Process." His program materials are available in PDF format on the BCBA web site's CLE page.

A thank-you note was received from Kate LaRose, the Rock Bridge High School recipient of a \$1,000 BCBA college scholarship. She plans to attend Knox College and later go to law school. "I am extremely honored and grateful for the contribution toward my education," she said. "Thank you for this incredible honor."

### Treasurer's Report by Kristen Dickinson

Account balance as of 5/29/09.....	\$13117.20
<b>Receipts 5/29/09 -6/26/09</b>	
Interest.....	+0.68
Dues .....	+551.00
<b>Disbursements 5/29/09 - 6/26/09</b>	
Accent Press (newsletter) .....	-73.10
Midwest Mailing (newsletter) .....	-99.02
Country Club of Missouri (Pfeiffer reception) .....	-1000.00
Editor/Webmaster (April-June) .....	-450.00
Returned dues check and bank charge .....	-54.00
<b>Account balance as of 6/26/09.....</b>	<b>\$11992.76</b>